Section 38 of the *Stamp Duties Act 1923* (the "Act") requires every company, person or firm that obtains, effects or renews, outside South Australia, a policy of insurance wholly or partly in respect of property in South Australia, or a risk, contingency or event occurring in South Australia ("SA Property/Risk") (except life insurance or a premium paid or payable to an insurer in respect of life insurance) to lodge a statement (the "Statement") with the Commissioner of State Taxation (the "Commissioner").

The statement is to be lodged within one month of the insurance being obtained, effected or renewed. Stamp duty is calculated at a rate of 11% of premium subject to duty. In most cases the Insured will contract a broker or agent to acquire the insurance policy and act as a Lodging Party on their behalf, however if no broker or agent is contracted, the Insured should lodge the Statement and pay the applicable duty.

1. After logging in to RevenueSA Online select **Lodge Return** from the menu. The **Section 38 Statement – Insurance Outside South Australia** screen is displayed.

2. For the **Total Premium Paid or Payable to Insurers,** enter the total amount for the return period.

   The Lodging Party is required to declare any (the total) premium paid or payable to an insurer that does not carry on an insurance business in South Australia for a policy of insurance wholly or partly in respect of SA Property/Risk.

   Premium to be declared is inclusive of GST without deducting any commission or discount allowed, but excluding stamp duty paid/payable (if any) to the insurer, life insurance premium and premium paid for personal accident insurance in respect of a person whose principal place of residence was not in South Australia at the time the policy providing the insurance was obtained, effected or renewed.

3. For the **Premium relating to property/risk outside South Australia,** enter the total amount for the return period if applicable.

   The Commissioner may allow a rebate of the duty payable on that proportion of any premium (except premium paid for personal accident insurance in respect of a person whose principal place of residence was in South Australia at the time the policy providing the insurance was obtained, effected or renewed) that is, in the Commissioner's opinion, properly attributable to the insurance of any property outside South Australia or any risk, contingency or event occurring outside South Australia.

   Records on the basis for apportionment must be kept by the Lodging Party for 5 years. Any such proportion outside of South Australia should be returned to the State Revenue Office of the Australian jurisdiction in which the risk is located. The Apportionment Schedule can assist with apportionment across jurisdictions.

4. For the **Premium refunded**, enter the total amount for the return period if applicable.

   Premium (excluding stamp duty) refunded by an insurer to the policy holder (which takes into consideration any apportionment that was originally declared), where the premium has previously been declared to the Commissioner and stamp duty paid on that premium, can be shown as a deduction here.

   Where premium refunded exceeds net premium, duty on the exceeded amount is taken to be an overpayment of tax pursuant to Section 41 of the Act, and the Statement is treated as an application for refund pursuant to Part 4 of the *Taxation Administration Act 1996*.

5. Click on the **Calculate** button.

6. The **Net Premium (subject to duty)** amount represents the amount of premium relating to South Australian risk. Stamp duty is payable/refundable based on this figure.

Stamp duty payable

Stamp Duty Payable: 3,465.00

Amount Payable: 3,465.00

By selecting this declaration I certify that the information provided in this statement is true and correct and I have retained all the relevant records.

A person must not make any false or misleading statement or representation on a Statement made, or purporting to be made. **Maximum penalty**: $10 000 pursuant to Sections 53 and/or 55 of the *Taxation Administration Act 1996*.

Declaration: ☐   Lodge   ? Help

1. The **Stamp Duty Payable** field will be displayed if there is an amount payable for the return period.

2. The **Amount Payable** will display the total outstanding amount. This includes arrears or credits from previous return periods if applicable.

3. Once you are ready to lodge the return and read and agree with the declaration, check the **Declaration** tick box and click on the **Lodge** button. The payment advice link is displayed at the bottom of the screen.

Payment Advice	
Lodged Date/Time	**Payment Advice**
25/07/2018 14:00	PaymentAdvice_20180_____).pdf

4. Click on the **payment advice** link. Details of the payment reference, amount payable and payment options are displayed at the bottom of the screen.

   Payments can be made via electronic funds transfer (EFT) using the **payment reference** number or alternatively post the payment advice together with a money order or cheque to the displayed address.

Stamp duty refundable

1. If you are due a refund for the return period you will need to provide your account name, BSB and account number details. Please contact RevenueSA through email at:

   RevenueSAReturns@sa.gov.au

   Note: RevenueSA will refund the stamp duty component to the Lodging Party who paid the duty when the policy was effected. The Lodging Party must ensure that the refund of premium has been made to the policy holder and has occurred prior to claiming a deduction.

   RevenueSA may require supporting documentation which demonstrates this, before the deduction can be approved.

Further Assistance

Further information can be found on the Stamp Duty on Insurance page of RevenueSA's website.

Email: returns@sa.gov.au   phone: (08) 8226 3750